

A Shifting Battleground

A WebQuest for Who Owns Genes?

Introduction

The battle over whether human genes can be owned has raged for more than three decades. The courts have come down mainly on the side of privately owned companies, saying that genes can be patented as long as scientists isolate them from the body and purify them. But a March 2010 court decision turned that long-held legal opinion on its head. In *Association for Molecular Pathology, et al. v U.S. Patent and Trademark Office, et al.*, a U.S. District Court judge invalidated seven patents relating to the BRCA1 and BRCA2 genes. Mutations of these genes have been linked to breast cancer and ovarian cancer. In this WebQuest, you will explore the current state of patent law regarding human genes. Then, you will write a magazine article on this topic.

Task

You are a magazine journalist who writes about science issues. Your task is to write a 500-word article on the current state of patent law regarding human genes.

Process

Use the resources listed in the Resources section to begin your research. The Web sites listed are good starting points, but further Internet research will be necessary. Record your answers to the following questions. You will use them to write a magazine article at the end of the project.

1. What issues were at stake in *Association for Molecular Pathology, et al. v U.S. Patent and Trademark Office, et al.*?
2. Does the judge's decision in that court case stand today? Explain.
3. What are some other recent developments in patent law regarding human genes?

Magazine Article

Once you have completed your research, organize the information you have gathered and then write a 500-word magazine article on the current state of patent law regarding human genes. Don't forget to include your sources in your article.

Resources

[American Medical Association](#)

[U.S. Patent and Trademark Office](#)

[Genome Programs of the U.S. Department of Energy Office of Science](#)

[Association for Molecular Pathology](#)

[National Public Radio](#)

Evaluation

Read this rubric to see how you will be scored on this activity.

| Criteria | | | | | Points |
|-------------------------|---|---|---|--|---------------|
| | 0 | 5 | 10 | 15 | |
| Task | The task was not completed. | It appears that some effort was made to complete the task, but major ideas are missing. | The task was completed as assigned. | The task was completed with great attention to detail and thorough documentation. | |
| Process | The process was not followed. | The process was followed, but not all of the questions were answered. | The process was followed, but some questions were answered incorrectly. | It was clear that much research went into the project. The current state of patent law regarding human genes was thoroughly explored. | |
| Magazine Article | The magazine article was too short, poorly written, and did not reflect current trends in patent law regarding human genes. | The magazine article was the correct length, but it was not well organized, and it was missing some current trends in patent law regarding human genes. | The magazine article was the correct length and was written and organized reasonably well. It contained almost all of the current trends in patent law regarding human genes. | The magazine article was the correct length and was well organized. It contained all the current trends in patent law regarding human genes and was written in a creative fashion. | |
| Total Score | | | | | |